Government of
Newfoundland and Labrador

DEPARTMENT OF JUSTICE

2002-03 Annual Report

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Overview

The Department of Justice is one of the largest line departments in government with a staff of approximately 1400 excluding the RCMP. Headquartered in St. John's the department delivers its services in 22 regional locations. The RCMP delivers its services through 50 locations on the island and Labrador.

With a centralized structure, the department's regional offices offer primarily front-line services and minimal administrative infrastructure .In fiscal year 2002-03 the Department of Justice operated on a total budget of $136,484,134. Revenues for the year totaled $8,529,344.

To appreciate the context for the information presented in this public accountability document, it is useful to consider the Department of Justice mandate, vision and mission.

Mandate:

The mandate of the Department of Justice reflects the duality present in the titles of its Minister, namely those of Minister of Justice and Attorney General. As Minister of Justice, the Minister presides over a department that has, as one pole of its mandate, the responsibility for the administration of the legal system of the Province. The principal elements of the Province's legal system are the courts, police services, corrections and youth justice services.

The second pole of the department's mandate reflects the Minister's second title, that of Attorney General. The Attorney General is the chief law officer of the Crown. As set out in subsection 4(4) of the *Executive Council Act*, the Attorney General traces his authority back to the "...powers, functions and duties which belong to the office of the Attorney General and Solicitor-General of England by law or usage...".

Reflecting the role and authority of the Attorney General, the department provides legal services to the Crown including, legal advice to the departments of government and litigation, prosecutorial and legislative drafting services.

The Vision:

> **A justice system that is accessible and understood, and which plays a key role in creating a fair, equitable and safe society where all people can pursue their lawful rights and freedoms**

The Mission:

> **To provide superior public services in the effective and impartial administration of justice through coordination and collaboration**

Lines of Business:

The Department's responsibilities and activities are divided among the following main lines of business:

- **Legislative Counsel** is responsible for the review and drafting of legislation and statutes and for conducting reviews of government regulations as required.
- **Policing Services** is responsible for fostering and maintaining peaceful and safe communities through a variety of policing responses.
- **Court Services** is responsible for providing infrastructure and administrative support to the Supreme and Provincial Courts.
- **Corrections and Community Services** is responsible for the safe and secure custody of young and adult offenders; for providing adult community corrections (probation); and for providing services to victims of crime.
- **Criminal Law** is responsible for prosecuting all Criminal Code and provincial statute matters in the province.
- **Civil Law** is responsible for providing legal services to Government and its agencies.

Shared Commitments

As a provider of a broad range of public services and with a large and diverse clientele, the Department of Justice relies on partnerships and cooperative efforts to fulfill its mandate in many instances. Some of these efforts were with other government departments in 2002-03, while others involved other levels of government, community organizations or professional associations. While the list is extremely long, some examples are provided here.

- Work on the Violence Prevention Initiative required coordinated efforts with departments such as Health and Community Services, Education, Human Resources and Employment and the Women's Policy Office as well as with community organizations such as the Provincial Association Against Family Violence and the Crime Prevention Association.
- Preparations for the implementation of the *Youth Criminal Justice Act* involved joint training, policy and program development within Justice, with other departments and with community organizations. In fact, Youth Corrections was a shared jurisdiction between the

Department of Justice (secure custody) and the Department of Health and Community Services (open custody group homes, community supervision and alternative measures). As a result ongoing coordination was required between our departments as well as with collateral contacts and agencies.

- Many offender programs were carried out in partnership with organizations such as the John Howard Society and Corrections Canada. In fact the partnership with Corrections Canada is considered to be one of the most productive in the Canadian correctional community.

- Federal partnerships were also significant in contributing resources to Legal Aid, Support Enforcement and Victim Services, as well as Youth and Adult Secure Custody. Federal-provincial-territorial efforts have also been important in pressing for legislative changes as well as legislative and policy reviews at the federal level.

- Within a model of community policing, the Royal Newfoundland Constabulary and the Royal Canadian Mounted Police were required to develop joint strategies by engaging the general public, community groups and the private sector to address issues of community safety.

Priorities and Achievements

Strategic Plan 2002-05 was released in March, 2002. This release date offered the opportunity to begin implementation plans at the beginning of fiscal year 2002-03.

Within the context of the Vision and Mission and with a constant underpinning of service excellence, the department's strategic priorities are as follows:

1. ***Build a department that is a high performance organization fostered by a supportive culture.***

2. ***Develop an informed understanding of the department's positive role in the community.***

3. ***Construct an integrated approach to the administration of justice.***

4. ***Initiate innovative and alternative approaches to service delivery.***

The implementation process followed a two-pronged approach: First, a broad departmental initiative was established. A network of committees was formed to implement action plans for each of the strategic priorities. Approximately 100 staff volunteered to become involved in this initiative and represented the diversity of the department. Where geography, shift

work or other barriers prevented interested employees from direct involvement in committee work, the department engaged them as staff consultants to the process.

On another level, the department's strategic priorities were integrated within divisional operations.

Strategic Priority 1: Build a department that is a high performance organization fostered by a supportive culture

Goal 1.1 *Foster a supportive and responsive work environment*

Objectives

- *1.11 Develop participative decision making processes with employees*
- *1.12 Develop respectful workplace values throughout the organization*
- *1.13 Examine scheduling for the benefit of the public and employees*

Goal 1.2 *Follow best practices in recruitment, retention, career planning*

Objectives

- *1.21 Assess recruitment needs and practices*
- *1.22 Develop a succession planning process*
- *1.23 Develop a learning and development plan*
- *1.24 Recognize employees*

Goal 1.3 *Develop effective communication culture*

Objectives

- *1.31 Develop internal communications strategy*
- *1.32 Utilize technology more effectively*
- *1.33 Review communications processes periodically*

A **participative team-based** structure was developed to begin implementing the strategic plan. Supporting employee engagement represented a significant shift and tapped into employee knowledge and skill.

Knowledgeable staff are critical in delivering superior public services. A new **Internal Communications Team** worked to improve the flow of information and develop feedback mechanisms so staff could enhance their undertaking of the various services, policies and issues within Justice. Achievements included publishing two issues of the *JustUs* employee newsletter which was distributed to all employees; organizing divisional information sessions; completing an employee needs assessment regarding the use of technology for communication purposes; and recruitment of interested staff to form a departmental communications network. The result has been an increase in information sharing and exchange among staff, increased staff involvement at the regional level and improved staff access and use of various communications tools.

A Respectful Workplace Program was established at the Newfoundland and Labrador Youth Centre which actively involved staff in the development stage and where they defined their role as central in helping resolve workplace conflict. Respectful workplace information sessions also enhanced knowledge in various areas throughout the Department.

Workplace Improvement Committees were expanded provincially and enhanced the ability to identify issues and solutions locally and to improve knowledge and skill through occupational health and safety training and other related information sharing.

A Learning, Development and Succession Planning Committee was established. A learning needs assessment was conducted and employee demographic research was undertaken. This research work will be the foundation for ongoing work in this area.

Recruitment needs and practices were assessed. As a result, the Employee Exchange Program was reviewed with revisions planned for the next fiscal year. The RNC and Corrections developed new recruitment models. Workforce analysis research indicated more than 300 staff will be eligible to retire from Justice within five years. Further research is planned on projected impacts on specific program areas and any associated recruitment issues.

While sometimes overlooked, **employee recognition** is very important in today's public service environment. The Police Officers of the Year Award and the Public Service Award of Excellence were actively promoted and Justice nominees and recipients were profiled in their accomplishments. Long term service certificates were updated and distributed. Research began on best practices for an internal employee recognition program.

Strategic Priority #2: Develop an informed understanding of the Department's positive role in the community

Goal 2.1 *Develop a co-ordinated approach to inform the public about the justice system*

Objectives

- *2.11 Establish public information process*
- *2.12 Ensure divisions have mechanism to inform of their services*
- *2.13 Enhance Department's information tools such as the website*

Goal 2.2 *Create environment that supports staff to inform the public*

Objectives

- *2.21 Orient new and existing staff to range of programs and services of Justice*
- *2.22 Support staff to participate in relevant committees and projects, both internal and external to Justice to enhance an understanding of Justice issues and services*

Enhanced information sharing with the public is essential. Work began on the **website enhancement project** to optimize this communications tool. There was strong commitment to user-friendly developments. Research was conducted with other Canadian jurisdictions. As an initiative which will span the next fiscal year, revisions began on the public website design. This will improve access to information about Justice structure, mandate, services, forms and publications.

As an example of electronic information developments, Remote Electronic Access was implemented at the Sheriff's Office. As the first e-commerce Justice initiative, this enhances client access.

Significant planning also went into the innovative employee profiling project "**Working @Justice**". To be launched early in the next fiscal year, this site highlights our exemplary employees, their work and the diverse environments in which they deliver services to the public.

Staff participation in numerous organizations and committees helped broaden the understanding of the Department of Justice and justice issues. Some of these included Emergency Measures, regional and provincial committees of the Violence Prevention Initiative, citizen's crime prevention committees, Canadian Bar Association, and numerous community coalitions throughout the Province.

Strategic Priority #3: Construct an integrated approach to the administration of Justice.

Goal 3.1 *Increase inter-divisional coordination within the Department of Justice*
Objectives
- *3.11 Identify where integration is possible and beneficial*
- *3.12 Identify priorities for integration*
- *3.13 Establish multi-disciplinary and cross-sectoral approaches*
- *3.14 Determine potential for information integration*

Goal 3.2 *Establish stronger federal-provincial relationships to better coordinate legislation and improve access to knowledge and resources*
Objectives
- *3.21 Ensure representation of appropriate federal-provincial-territorial initiatives*
- *3.22 Improve access to federal information and resources*

Goal 3.3 *Enhance inter-departmental coordination on justice-related issues*
Objectives
- *3.31 Assess areas for potential coordination with other departments*
- *3.32 Identify coordination priorities*
- *3.33 Develop an inter-departmental team approach*

The coordination of information, policies and services across sectors is a huge task but an important one to better meet existing and projected needs. The ground work was laid for a **multi-year**

integration approach which will target rationalized purchasing, streamlined personnel policies, coordinated training (for uniformed services initially), and information technology system linkages.

Multi-sectoral planning was strongly evidenced in the Justice-led coordination effort to meet the April 1, 2003 implementation date of the ***Youth Criminal Justice Act***. Policy, program and training collaboration occurred across sectors within the Department of Justice, with other departments, with the community and between the federal and provincial levels of government.

Another example of multi-sectoral coordination was the Department's involvement in the **Violence Prevention Initiative** at the provincial, regional and local levels. Of specific interest, regional staff helped develop regional planning teams to facilitate joint delivery of the Violence Awareness and Action Training Program.

At the federal level, several senior officials participated in **federal-provincial-territorial working groups** which promote coordination of policy and legislative developments. Some of these initiatives included the Heads of Prosecutions, the Heads of Corrections, the Victims Working Group, Coordinating Committee of Senior Officials for Family Justice and the Criminal Procedures Working Group.

Strategic Priority #4: Initiate innovative and alternative approaches to service delivery.

Alternative and less adversarial approaches to traditional justice approaches have gained international attention. The Department of Justice has committed to exploring **feasible and effective justice alternatives** for the people of Newfoundland and Labrador.

In preparation for developing a policy framework on restorative justice/alternative dispute resolution, the Department focused considerable effort on determining best practices in this regard in other Canadian jurisdictions. By year end, a draft framework was begun with plans to eventually conduct public consultations before being finalized. Such a well-informed policy framework will guide and support the development of future alternative justice approaches in Newfoundland and Labrador.

Divisional Snapshots

There is ongoing public interest in the divisions within the Department of Justice that actively deliver direct services. This section provides snapshots of these divisions for 2002-03. Several divisions produced their own annual reports which contain more detailed information. A listing of these reports is included in Appendix "B".

Corrections and Community Services Division

This Division is comprised of four program sectors:

a. Community Corrections (Adult Probation)

Community Corrections operated via a province-wide network of 14 regional offices staffed by 34 Probation Officers. Probation provided community supervision of adult offenders subject to the terms of a probation order or conditional sentence order, electronic monitoring of selected offenders subject to curfew/home arrest conditions as well as prepared pre-sentence reports for the Court and initiated referrals to community-based programming/treatment.

Points of Interest

- 2810 offenders were referred for supervision (334 for conditional sentence; 2476 for probation).
- A new policy manual clarified and enhanced community supervision standards and classification review.
- A new electronic database (PCOMS), integrated with Adult Custody, reduced duplication of effort and information.
- Offender accountability was enhanced by applying electronic monitoring to high-risk conditional sentence cases.

b. Adult Custody

The Adult Custody section provided humane custody, security and control as well as rehabilitative programming for adult offenders through a network of six correctional centres and two lockups. The combined capacity was 327 beds, with a typical utilization rate between 80-90% of the rated capacity. One institution was a dedicated 22-bed female offender facility.

Points of Interest

- 1200 individuals were admitted to the six correctional centres (813 served a sentence; 387 remanded pending trial and/or sentencing).

- The average daily inmate count was 297, excluding the lockups.
- Adult Custody had 239 permanent positions and 60-70 casual correctional officers.
- A new sex offender treatment program was initiated at Her Majesty's Penitentiary through contract with the John Howard Society.
- A new Correctional Officer Recruit Training program was launched.

c. Victim Services

Through a network of 10 regional offices, Victim Services provided direct and coordinated services to crime victims 16 years of age and older, particularly those victimized by violent crime. Core services provided were general information about the criminal justice system, client-specific case updates, pre-court orientation, completing needs assessments, referrals for specialized services, short-term counseling, and assistance with Victim Impact Statements. These services were offered on a continuum throughout the victim's involvement with the justice system and in conjunction with any other services internal or external to the justice system.

Points of Interest

- 3689 referrals were activated (some of whom were families and may have represented several persons).
- 692 Victim Impact Statements were registered with the Courts.
- 55% of referrals involved crimes of violence.
- Implemented Victim Information Management System (VIMS), which decreased administrative tasks and improved database management. As a result, more time was dedicated to direct services with victims.

d. Youth Secure Custody

Responsibility for services to young offenders is shared in this province. Through the Department of Justice, Youth Secure Custody was responsible for the operation of the Newfoundland and Labrador Youth Centre at Whitbourne, as well as the St. John's Youth Detention Facility which is a short term, overnight holding facility. The Department of Health and Community Services was responsible for open custody group homes, community supervision and alternative measures.

Points of Interest

- 440 admissions to NLYC (269 remands; 171 served a definite term of sentenced custody).
- Average daily count was 52.
- Female admissions (n=71) showed a 54% increase from previous year.
- Typical sentence lengths for males increased over previous year while female sentence lengths showed less fluctuation.
- Five-bed Youth Detention Facility was constructed adjacent to Royal Newfoundland Constabulary Headquarters for short-term holding.
- Pre-trial Services Program was established as a bail supervision program to more effectively manage young offenders in the community.

Civil Division

The Civil Division provided legal advice and representation required by government departments and certain Crown agencies. The Division was staffed by 34 lawyers, seven secretaries and four law clerks.

Points of Interest

- Litigation Unit opened 142 new claims, closed 108 claims and handled a total of 584 files.
- Staff conducted training in areas such as emergency legislation, *Access to Information Act*, *Judgment Enforcement Act*, and various family court matters.

Support Enforcement Division

This Division was responsible for the administration and enforcement of the *Support Orders Enforcement Act*. The Division enforced support orders made by the province's Courts and also enforced orders from other jurisdictions if the person required to pay resided in this province. The Division received and disbursed Court-ordered funds for support, maintenance or alimony.

Points of Interest

- Maintained 7894 client files.

- New software allowed for electronic receipt of payments and therefore faster outgoing payments to recipients.

- Automated Voice Response System allowed access to payment and balance information outside of regular business hours.

Fines Administration Division

This Division had responsibility for the management, control and collection of Provincial Court fines. It also provided financial counselling to debtors and auditing services to the 12 Provincial Courts.

Points of Interest

- Processed and billed approximately $7.4 million in fines.

- The aggressive collection approach which was implemented in the previous fiscal year resulted in collections of just over $6.4 million in fines (up from $5.8 million in previous year).

Courts

The departmental budget directly supported the operations of Provincial and Supreme Courts. However care must be taken to distinguish the operations of the courts from judicial independence and decision-making.

Supreme Court

In 2002-03, Supreme Court had a staff complement of 79 full and part-time positions. A new child waiting area was established in the courthouse in St. John's.

Supreme Court structure:

1. The **Court of Appeal** has jurisdiction to hear appeals from the Trial Division, Unified Family Court, Provincial Court (indictable offences) and designated boards and administrative tribunals.

2. The **Trial Division** has jurisdiction over *Criminal Code* matters and relevant statutes,

all civil actions generally over $3,000, family matters not under the jurisdiction of the Unified Family Court and civil appeals from Provincial Court (Small Claims and Family Divisions).

3. The **Unified Family Court** has jurisdiction over nullity, judicial separation, corollary relief, divorce, matrimonial property, custody, access and guardianship in the area from St. John's to Clarenville including the Bonavista Peninsula.

Provincial Court

The Provincial Court's Annual Report is available directly through the Court.

Sheriff's Office

The Sheriff's Office was the chief enforcement arm in the Province of the Supreme Court of Canada; the Federal Court of Canada, Appeal and Trial Divisions; Supreme and Provincial Courts of Newfoundland and Labrador; Fines Administration and various governed judicial tribunals. Its chief responsibilities included court security; transport and holding of persons in Sheriff's custody; jury administration; document serving; enforcement of specific Court orders; operation of Judgment Enforcement Registry and collecting monies owed to the Crown and various individuals and companies.

Points of Interest

- Issued a total of 11,425 jury summonses
- Maintained 21,984 judgment enforcement files (representing a 10% increase from 2001-02)
- Safely conducted 3,633 prisoner escorts to and from Provincial and Supreme Courts
- Collected over $2.9 million owed to creditors with judgments, including Government

Policing Services

Delivery of policing services was shared between the Royal Canadian Mounted Police (RCMP) and the Royal Newfoundland Constabulary (RNC). Both police forces operated on a community policing model which essentially means engaging the community as a partner in solving and preventing crime.

Royal Canadian Mounted Police

The RCMP's jurisdiction was primarily in rural areas of Newfoundland and Labrador. The community policing approach was evidenced in the public consultation process and joint problem-solving with stakeholders. RCMP operations cost the Province $40,266,172.

Points of Interest

- Members responded to 62,180 occurrences of which 23,680 were *Criminal Code* occurrences
- The Force was responsible for delivering services to 60% of the population (n=306,344)
- Total staffing complement was 474, of which 418 were sworn members
- Exchange visits with Gendarmes of St. Pierre et Miquelon supported intelligence sharing and enforcement strategies
- Commanding Officer's Youth and Aboriginal Advisory Committees contributed to valuable networks.

Royal Newfoundland Constabulary

The RNC delivered policing services to Corner Brook, Labrador West and the Northeast Avalon. RNC policing services cost the Province $24,225,263. For detailed information, please refer to the RNC's Annual Report.

Future Opportunities and Challenges

With a relatively stable and large workforce within government, the Department of Justice has the benefit of experienced and knowledgeable staff to lead it into the future. A broad range of staff expressed their interest in involvement in various strategic initiatives and have voluntarily agreed to be departmental representatives on various community, government and federal-provincial-territorial committees. Their participation will clearly add value to the entire process in which they are involved.

Keeping pace with technological advancement is a significant challenge for a large department delivering a broad range and high volume of public services. Training and equipment costs are high and resources are very limited. This presents an ongoing challenge, especially where technology can dictate investigative practice requirements and evidence standards.

Meeting the justice needs of citizens living in rural and remote areas of the province will present a growing challenge. Many rural communities are facing population declines. The challenge will be to provide meaningful responses and access without the benefit of new resources. Innovation and commitment will be key.

Optimizing revenue from fines will be extremely important considering fiscal and resource realities. While fine management practices saw Judgment Orders obtained on 2500 delinquent accounts in 2002-03, aggressive collection plans call for seeking Judgment Orders on an additional several thousand delinquent accounts in the near future. This speaks to the issues of revenue generation for government as well as fairness for the general public.

While the challenges are real, so is the ability of our staff to work hard to meet these and other challenges. While some of our staff have distinguished themselves in public and/or professional circles, it is the vast majority of our people whose daily persistence and dedication to getting the job done truly makes the difference.

Financial Report

FINANCIAL STATEMENTS

DEPARTMENT OF JUSTICE
STATEMENT OF EXPENDITURE AND RELATED REVENUE - SUMMARY
FOR THE YEAR ENDED MARCH 31, 2003

		ESTIMATES	
	ACTUAL	AMENDED	ORIGINAL
1.1.01. Minister's Office	298,003	299,300	265,200
1.2.01. Executive Support	726,161	727,900	661,800
1.2.02. Administrative Support	3,010,112	3,029,900	2,728,700
Less Revenue	-313,019	-295,000	-295,000
1.2.03. Legal Information Management	785,346	787,500	763,100
Less Revenue	-29,037	-30,000	-30,000
1.3.01. Fines Administration	689,107	690,200	701,800
Less Revenue	-856,381	-700,000	-700,000
2.1.01. Civil Law	8,674,800	8,840,600	8,830,200
2.1.02. Sheriff's Office	2,081,294	2,086,000	2,157,200
2.1.03. Support Enforcement	1,433,395	1,452,900	1,239,400
Less Revenue	-534,056	-509,000	-509,000
2.1.04. Freedom of Information	120,033	122,800	105,000
2.2.01. Criminal Law	4,287,205	4,302,200	4,148,200
2.3.01. Legal Aid and Related Services	7,052,300	7,052,300	6,762,300
Less Revenue	-235,639	-1,938,600	-1,938,600
2.3.02. Commissions of Inquiry	713,716	720,800	1,409,400
2.3.03. Office of the Chief Medical Examiner	453,214	458,900	450,500
2.3.04. Human Rights	432,041	434,800	411,500
2.4.01. Legislative Counsel	401,582	403,500	354,200
3.1.01. Supreme Court	3,630,788	3,637,700	3,534,600
Less Revenue	-424,099	-312,600	-312,600
3.2.01. Provincial Court	7,089,346	7,096,700	6,875,600
4.1.01. Royal Newfoundland Constabulary	24,225,263	24,496,200	20,856,900
Less Revenue	-486,844	-468,700	-468,700
4.1.02. Royal Canadian Mounted Police	40,266,172	40,266,400	39,041,900
4.1.03. Public Complaints Commission	252,883	256,100	185,400
4.2.01. Adult Corrections	22,948,644	23,152,800	20,597,400
Less Revenue	-3,441,503	-4,285,000	-4,285,000
4.2.02. Youth Secure Custody	6,912,729	6,972,100	6,718,900
Less Revenue	-2,208,766	-3,055,700	-3,055,700
Total Department of Justice	136,484,134	137,287,600	128,799,200
Less Revenue	-8,529,344	-11,594,600	-11,594,600

For detailed financial information, please refer to Volume III of the Public Accounts which was previously tabled in the House of Assembly.

Other Annual Reports

Corrections and Community Services
Contact: Director
(709) 729-3880

Victim Services
Contact: Provincial Manager
(709) 729-0900

Provincial Court
Contact: Director of Court Services
(709) 729-2081

RCMP
Contact: Corporate Planning NCO
(709) 772-4790

RNC Public Complaints Commission
Contact: Manager
(709) 729-0950

Human Rights Commission
Contact: Executive Director
(709) 729-4184

Legal Aid Commission
Contact: Provincial Director
(709) 753-7860

Royal Newfoundland Constabulary
Contact: Director of Information Services
(709) 729-8291